IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

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WRIT PETITION NO : 4579 of 2005

Between:

Sri Ganga Bhavani Washer-men Co-Operative Society Ltd., (Regd. No.K.R.404), rep. by its President, R. Sangaiah, S/o. Subbaiah, R/o. Penugolanu Village, Gampalagudem Mdl., Krishna District.

..... PETITIONER

AND

1 The District Collector, Machilipatnam, Krishna District.
2 The District Panchayat Officer, Chilkalapudi, Machilipatnam, Krishna District.
3 The Divisional Panchayat Officer, Nuziveedu, Krishna District.
4 The Secretary, Gram Panchayat, Penugolanu, Gampalagudem Mandal, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not allotting the tank (cheruvu) to the petitioners society at Penugolanu Gram Panchayat, Gampalagudem Mandal, Krishna District is arbitrary illegal and contrary to the G.O.Ms.No.343, dt. 10.4.1978, G.O.Ms.No.892, dt. 24.9.1964 and letter of the 1st respondent vide L.Dis.No.9420/66, dt. 5.9.1966 and consequently to direct the respondents to allot the tank (Cheruvu) to the petitioners society.

Counsel for the Petitioner : MR.C.H.SATISH KUMAR

Counsel for the Respondent Nos.1 to 4: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court, at the stage of admission, made the following :

ORDER:

Petitioner is a Co-operative Society of Penugolanu Village, Gampalagudem Mandal, Krishna District. It claims to have made a representation on 18.02.2005, to the respondents, requesting for allotment of a tank in the village, exclusively for the purpose of washing the clothes. It was stated that on account of absence of an exclusive tank for this purpose, the washer-men of the Village are facing difficulties. Its grievance is that no action has been taken thereon.

Heard the learned counsel for the petitioner and the learned Government Pleader for Panchayat Raj.

The allotment of tanks in a Village for various purposes, such as, drinking water, washing clothes, fishing rights etc., are governed by the instructions given by the Government form time to time. Much would depend upon the nature, number and size of the tanks in the respective villages. The purposes, referred to above, are almost subsidiary to the one of irrigation. This Court is not posted with the full facts as to the number, nature and size of the tanks existing in the Penugolanu Village. The fact, however, remains that the Government initially issued orders in G.O.Ms.No.892, dated 24.09.1964, providing for setting apart of separate tanks for washer-men. A Memo, dated 06.10.2004, was issued reiterating the same. The relevant facts need to be verified by the respondents herein. This Court cannot record any definite finding in this regard, except emphasizing that the representation of the petitioner needs to be attended to, without any further loss of time.

Hence, the writ petition is disposed of directing the respondents, particularly respondents 2 and 3, to examine the representation of the petitioner, with reference to the G.O., and Memo, referred to above, as well as the instructions, if any, issued thereafter, and pass appropriate orders, within a period of three months from the date of receipt of a copy of this order. It is also made clear that the respondents 2 and 3

shall ascertain the views of the Gram Panchayat and local residents before any final decision is taken. There shall be no order as to costs.

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(L.NARASIMHA REDDY,J)

Date: 11-03-2005

Note: Office to issue c.c.

in three days.

(B/o.)

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To

1 The District Collector, Machilipatnam, Krishna District.
2 The District Panchayat Officer, Chilkalapudi, Machilipatnam, Krishna District.
3 The Divisional Panchayat Officer, Nuziveedu, Krishna District.
4 The Secretary, Gram Panchayat, Penugolanu, Gampalagudem Mandal, Krishna District.

5 2 C.Cs. to the Government Pleader for Panchayat Raj, High court of A.P., Hyderabad. (O.U.T.)

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